

Attachment L

Maycock, William

From: Maycock, William
Sent: Tuesday, January 8, 2019 12:46 PM
To: Esther Nneka Oise Esq. (estheroiselaw@gmail.com)
Subject: RE: Request for Dismissal of America 2030 Case (USCD NDGa)

Ester:

I again respectfully request that you and your client dismiss the lawsuit against my client for the reasons stated in my email messages below.

It is unfair that my client should have to incur attorneys' fees and expenses for a lawsuit that should never have been filed.

Thanks.

Bill

From: Maycock, William
Sent: Wednesday, December 26, 2018 9:33 AM
To: Esther Nneka Oise Esq. (estheroiselaw@gmail.com) <estheroiselaw@gmail.com>
Subject: RE: Request for Dismissal of America 2030 Case (USCD NDGa)

Ester:

I did not receive the information last Friday as you promised. Would you please send it today?

Thanks.

Bill

Sent from my Verizon 4G LTE smartphone

William W. Maycock
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----- Original message -----

From: "Maycock, William" <BMAYCOCK@sgrlaw.com>

Date: 12/19/18 2:16 PM (GMT-05:00)

To: "Esther Nneka Oise Esq. (estheroiselaw@gmail.com)" <estheroiselaw@gmail.com>

Subject: RE: Request for Dismissal of America 2030 Case (USCD NDGa)

Ester:

It was good to talk with you by phone again two days ago, on December 17, 2018. This email follows up on our call.

First, during our call, you stated that you had checked the contractual documents referenced in the complaint and that they were signed by a company named the same as the plaintiff (America 2030 Capital Limited) but that the company signing the papers was incorporated in Hong Kong. By contrast, the plaintiff was incorporated in Colorado. So, you and I agree on those points.

Second, you stated that the plaintiff was the parent company of the Hong Kong company that signed the papers. Please send to me documents showing that alleged relationship.

Third, you stated that you intended to amend the complaint to allege that the Colorado plaintiff was suing on behalf of the Hong Kong subsidiary-signatory. I expressed my view that such a claim would be baseless in law and fact because the subsidiary-signatory was the real party in interest and the proper plaintiff, not the parent. You stated that you were aware of legal authority supporting the parent's right to sue on behalf of the subsidiary since the subsidiary-signatory went into the contracts "for the parent." I asked that you send me such authority and you agreed to send it by this Friday, which I appreciate. So, I am awaiting to receive your authority on that point.

Fourth, you and I discussed personal jurisdiction. We both agreed that if the plaintiff were the Hong Kong subsidiary-signatory, then the court would not have personal jurisdiction.

Fifth, I expressed that, regardless of who the plaintiff was, my client, Maximum Success Capital Partners, Ltd., did not have contact with Georgia sufficient to assert jurisdiction. Consequently, I expressed my client's position that your claim of personal jurisdiction was legally and factually baseless. In response, you stated that you had email messages showing that my client had sufficient contact with Georgia for you to assert jurisdiction. You agreed to send them to me by this Friday, which I appreciate.

Sixth, we discussed the fact that there were already legal proceedings in Hong Kong involving the parties to the action here. I expressed my view that the action here should be dismissed in favor of resolving the disputes of the parties in the Hong Kong proceeding. You disagreed and stated your desire to pursue the action here.

Seventh, I expressed that my client did not want to spend defensive legal fees – and should not have to spend those fees – because this action is based upon claims that are factually and legally baseless. I also expressed that my client intended to pursue a motion for sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure because the plaintiff has asserted claims that are factually and legally baseless. This action should never have been filed and should be dismissed immediately. Respectfully, I ask that you and your client dismiss this action immediately.

After our call, it came to my attention that the plaintiff, a Colorado corporation, is not registered or qualified with the Georgia Secretary of State. Accordingly, your client lacked the right and capacity to file the above-referenced action. Further, if your unqualified and unregistered client has been domiciled in Georgia, as you claim in your complaint, then your client would be liable for civil penalties.

Overall, it appears that it would be best to dismiss the action here, to have the lawsuit in Hong Kong proceed, and not to spend further time or attorneys' fees regarding this action.

Thanks.

Bill

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From: Maycock, William
Sent: Friday, December 14, 2018 6:53 PM
To: Esther Nneka Oise Esq. (estheroiselaw@gmail.com) <estheroiselaw@gmail.com>
Subject: Request for Dismissal of America 2030 Case (USCD NDGa)

Ester:

It was so nice to meet you by phone earlier this week. I look forward to meeting you in person someday.

When we spoke by phone, I requested that you dismiss the lawsuit that you filed against my client MSCP in the U.S. District Court for the Northern District of Georgia because the papers on which the lawsuit is based were signed by a Hong Kong entity using the name America 2030 rather than, as alleged in the complaint, a Colorado entity using that name. You graciously indicated that you would check the papers and give me a call back. However, I have not heard from you yet.

Would you please let me know the status? I would like to have the lawsuit dismissed as soon as possible.

If you think that it would be helpful to meet in person, please let me know so we can set up a meeting.

Thanks, and I hope that you have a good weekend.

Regards,

Bill